

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES FOR THE USE
AND BENEFIT OF J. SCHOUTEN
CONSTRUCTION, INC., a
Colorado corporation,

Plaintiff,

v.

FEDERAL INSURANCE
COMPANY, an Indiana corporation

Defendant.

No. CV-12-589-RHW

ORDER DISMISSING CASE

Before the Court is Plaintiff's Motion to Dismiss. ECF No. 25. Plaintiff represents that the parties have reached a settlement and as a part of that settlement, the pending matter should be dismissed with prejudice. *Id.* Pursuant to Fed. R. Civ. P. 41(a)(2)¹, the Court should dismiss the matter if the Court considers the terms proper. Unless the defendant can show that it will suffer some clear legal prejudice, the Court should grant a motion to dismiss under Fed. R. Civ. P. 41(a)(2). *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001). Here, Defendant has agreed to the dismissal and thus would suffer no legal prejudice. Therefore, the Court orders dismissal of the above-captioned case with prejudice.

Accordingly, **IT IS HEREBY ORDERED:**

¹ The Court notes that Fed. R. Civ. P. 41(a)(1)(A)(i) would not require a Court order for dismissal under these circumstances. Yet, because Plaintiff requested a Court order, the Court applied Fed. R. Civ. P. 41(a)(2).

1. Plaintiff's Motion to Dismiss, ECF No. 25 is **GRANTED**. Civil Case No. 12-589-RHW is dismissed with prejudice.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, provide copies to counsel, and **close the file**.

DATED this 19th day of December, 2014.

s/Robert H. Whaley
ROBERT H. WHALEY
Senior United States District Judge